



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

*United States Attorney's Office
610 Federal Plaza
Central Islip, New York 11722-4454*

February 9, 2013

By ECF & Email

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Re: U.S. v. Heriberto Martinez: 10-CR-074 (S-4)(JFB)
U.S. v. Carlos Ortega: 12-CR-293 (JFB)

Dear Counsel:

Pursuant to the government's obligations under Giglio v. United States, 405 U.S. 150 (1972), the government discloses the following information with respect to victim Aaron Galan. The information contained in this letter supplements the information contained within the materials the government has provided pursuant to 18 U.S.C. § 3500 and Rule 26.2 of the Federal Rules of Criminal Procedure. The government will provide any additional materials pursuant to 18 U.S.C. § 3500 and Rule 26.2 of the Federal Rules of Criminal Procedure, including any additional Giglio material, should such materials become available.

Criminal history records indicate that Aaron Galan was arrested on November 14, 2010 for criminal damage-deface. The case was dismissed on January 9, 2012. The records further show that Galan was arrested on September 4, 2011 for assault-intent/reckless/injure. The case was dismissed on October 31, 2011. The government objects to any inquiry about these arrests on cross-examination, as they do not pertain to the witness's character for truthfulness. See Fed. R. Evid. 608.

Galan has advised the government that, in addition to selling marijuana on a regular basis prior to being shot on

February 17, 2010, he occasionally also sold cocaine. Galan further advised that he began smoking marijuana when he was approximately twelve years old and has tried cocaine on a few occasions. Additionally, Galan advised the government that, after Galan was shot and hospitalized, he became addicted to pain killers for a number of months.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

LORETTA E. LYNCH
United States Attorney

By: /s/Carrie N. Capwell
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cc: Clerk of the Court (JFB) (By ECF)